



Commission Workshops 7, 8 and 9: BCDC Laws and Policies



San Francisco Bay Conservation
and Development Commission

Meeting Agenda



- 2:00 Overview of Workshops 7, 8 and 9 and next steps
Commission and public comment
- 2:20 Staff presentation and Commission Vote on Brief
Descriptive Notice for Proposed Bay Plan
Amendments Regarding Fill for Habitat Projects
- 3:10 Staff presentation and Commission Vote on Brief
Descriptive Notice for Proposed Bay Plan
Amendment Regarding the inclusion of Social
Equity Issues in the Bay Plan
- 4:00 Adjourn

Commission Workshop Series

- Five Year Review: Climate Change Policies
- Regional Resilience: Current Efforts, Regional Issues
- Prioritizing Regional Actions: Sticker Voting!
- Commission Consideration of Future Actions
- Commission Vote on Rising Sea Level Priorities
- Implementation of Priorities and Guiding Principles
- Projects on Parade: Examples of County-scale adaptation plans
- Bay Fill Policies: Issue Posters & Our Future Bay
- Bay Fill Action Priorities
- Summarize Workshops 7,8, 9/Commission Votes on Bay Plan Amendments



Commission Adaptation Actions

On October 6, 2016, the Commission voted to prioritize the following actions and here is our progress to date:



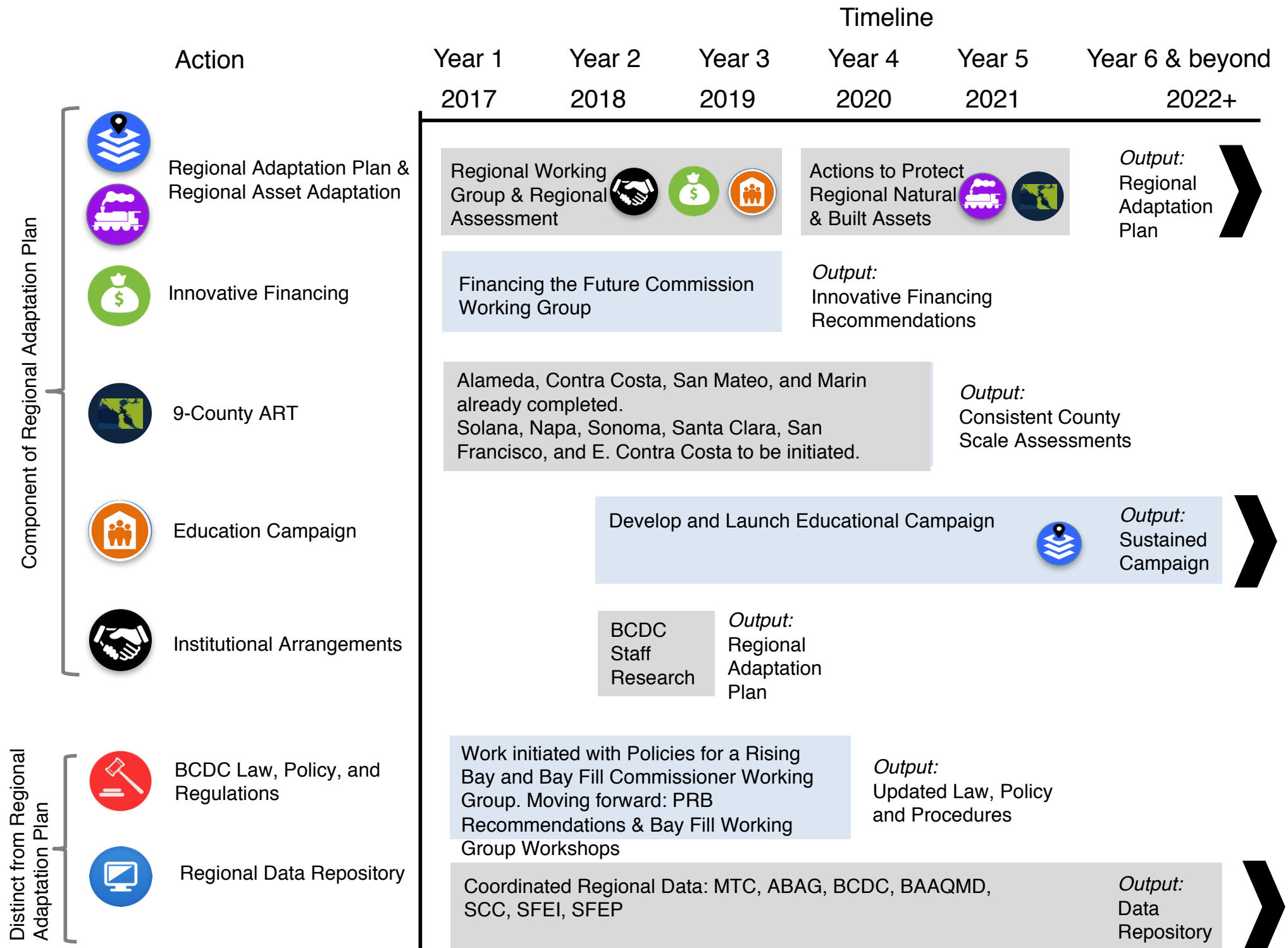
- ✓ Regional Adaptation Plan (December 2016 Workshop)
- ✓ Complete County-Scale Climate Adaptation Plans
- ✓ Explore Institutional Arrangements
- ✓ Increase the Resilience of Regional Assets (December 2016 Workshop)
- ✓ Modifications to Commission's Laws, Policies, Regulations and Practices (Bay Fill Working Group Workshops held in April and May of 2017 and Policies for a Rising Bay completed in 2016)
- ✓ A Regional Education Campaign
- ✓ A Regional Data Portal
- ✓ Commission Working Group on Financing the Future (Meetings were held in February, April and May 2017)

Commission Actions Preamble

When working on sea level rise adaptation, the Commission will adhere to the following principles:

- Regional and local economic vitality relies on a strong and functioning network of regional assets.
- All community members need safe and healthy housing, access within their communities to jobs and reliable goods and services. The region should pay particular attention to these issues in disadvantaged communities.
- Healthy and vibrant ecological systems are necessary to maintain the quality of life for natural and human communities. Therefore, the preservation and restoration of these systems must be a priority.
- Understanding and addressing current governance challenges is critical to improve the region's climate resilience and strengthen other aspects of sustainability including economy, equity and the environment.
- The path to climate protection includes reducing emissions and transitioning to alternative forms of transport and energy.





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- ✓ A Regional Education Campaign
- ✓ Developing a mapping and data portal to provide BCD/ART data and map layers and project maps and analysis
- ✓ Commission Working Group on Financing the Future (Meetings were held in February, April and May 2017)

Workshop 7 Summary



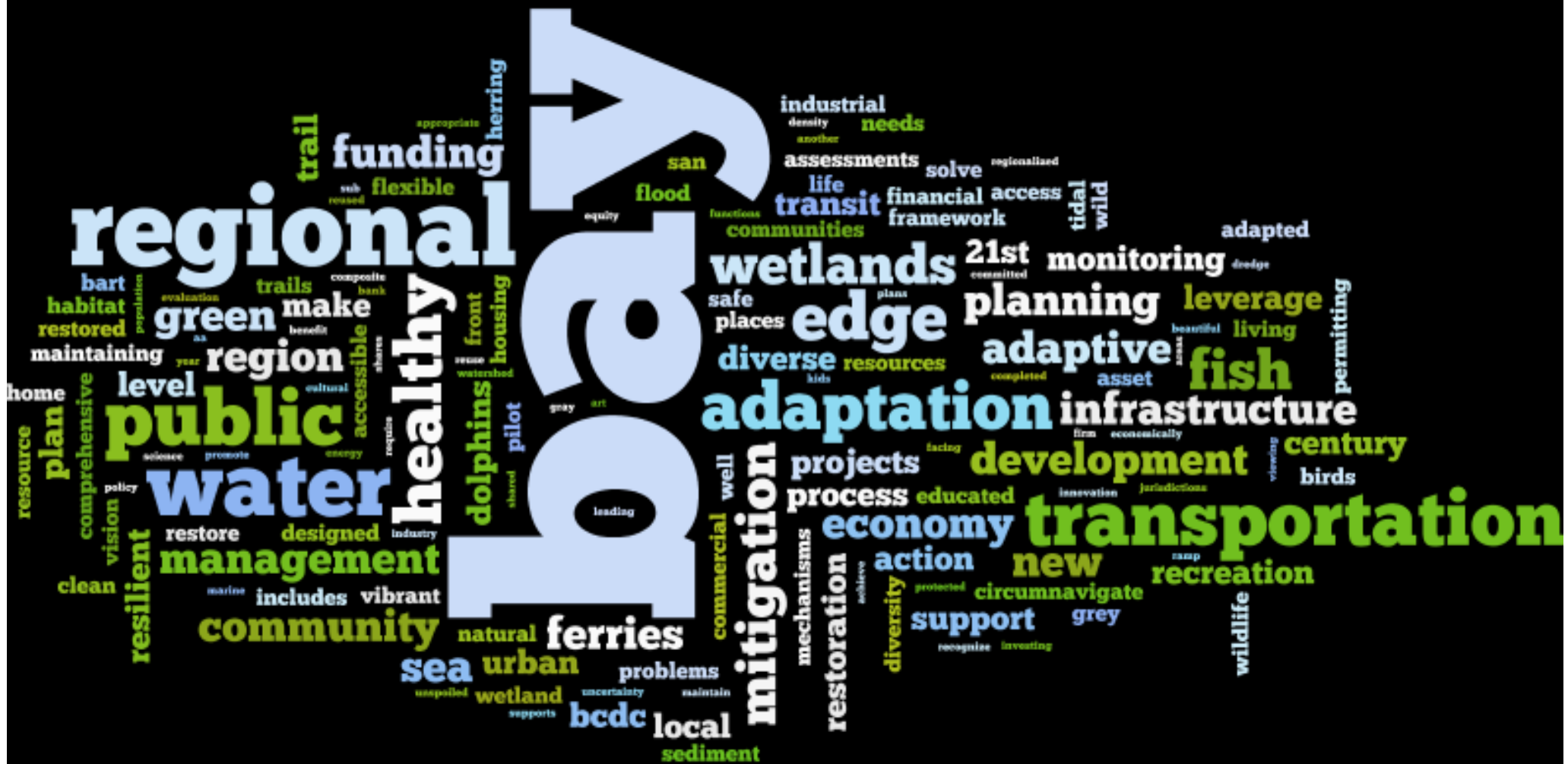
- ✓ Eight issues were introduced and discussed in a poster session
- ✓ Participants visited three issue posters
- ✓ Comments, concerns and potential solutions were provided by participants
- ✓ No additional topics were identified on the “What’s Missing?” wall
- ✓ Seven groups discussed and identified qualities and features of an ideal future San Francisco Bay

Workshop 7:

Eight Priority Topics Identified



- Fill for Habitat Projects
- Green Infrastructure for Flood Protection
- Beneficial Use of Sediment
- Fill as Protection from Flooding
(Tide gates, levees and seawalls)
- Adaptive Management
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice
- Regional Planning



Workshop 8:

Developing Adaptation Actions



Participants helped identify:

- Opportunities and challenges of each action
- Timeframe for each action
- Information or actions as needed
- Ranked each action

Timeframes:

- Short Term 1 - 2 years
- Medium Term 2 - 3 years
- Long Term 4 - 5

Topics

- Fill for Habitat Restoration
- Beneficial Use of Sediment
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice

Issue: Mitigation

As project proponents take measures to adapt to sea level rise through additional fill, an increased need for mitigation is likely. Mitigation has generally been provided on a project-by-project basis, resulting in smaller potentially less effective and productive restoration projects. The Commission may consider promoting more regional mitigation opportunities. This approach may provide an opportunity to create more extensive habitat restoration projects that are resilient to sea level rise. *Text in italics are suggestions from Workshop 7.*

Action			Implementation			
Timing	Description	Related Actions	Type of BCDC Action (findings, policies, regulations, guidance, etc.)	Other Responsible Agencies	Interested Parties/Stakeholders	Is this action a priority for further evaluation and potential implementation? Scale 1-5 (1=low priority, 5=high priority)
Short Term	(NOT INCENTIVE) Develop permit monitoring requirements that improves the understanding of how projects are responding to sea level rise as well as adaptation thresholds.	Adaptive Management	guidance, Bay Plan amendment	RWQCB, USACE, EPA, CDFW		1,1,1,2,2,2,2,2
	(NI) Develop strategies to ensure the mid to long-term viability of projects.	Adaptive Management	research, guidance			1,3,3,3,3,3,3,4
	(1) <i>Work with specific applicants, (i.e., Caltrans) to create an advanced mitigation program. (This comment provided at workshop 7)</i>	Regional Planning	guidance, Bay Plan amendment	RWQCB, USACE, EPA, CDFW, Bay Restoration Authority (MTC, CCC, EBRPD)		1,5,5,5,5,5,5,5
	Encourage regional planning to reduce adjacent flooding via pre-application coordination	Regional Planning, Social Equity	collaboration, guidance	RWQCB, USFWS, USACE, CDFW, EPA, local government		1,1,1,1,1,2,2,3,3
	Consider establishing incentives for local governments and projects that identify designated inland migration areas.	Social Equity	guidance, Bay Plan amendment	RWQCB, USFWS, USACE, CDFW, EPA, local government	EBRPD	1,1,5,5,5,5,5,5
	Include project ecosystem service benefits such as economic (e.g., flood protection, erosion control) and social (e.g., aesthetic benefits, recreational opportunities) effects when determining mitigation requirements.	Fill for Flood Protection, Fill for Habitat Restoration, Green Infrastructure, Social Equity	guidance, Bay Plan amendment		EBRPD	3,5,5,5,5,5,5,5
Mid Term	Consider amending the Bay Plan to <u>favor</u> ALLOW regional <u>mitigation over onsite mitigation.</u>	Adaptive Management, Social Equity	Bay Plan amendment	RWQCB		3,5,5,5,5,5,5,5,5
	Reduce mitigation requirements, or exempt habitat restoration projects from mitigation. DEPENDENT UPON EXTENT OF IMPACTS	Mitigation	clarify issue, guidance, Bay Plan amendment	RWQCB, USACE, EPA, CDFW, Bay Restoration Authority		3,3,3,3,3,3,3,5,5
	Consider amending the Bay Plan to provide mitigation benefits for projects <u>completing</u> INCLUDING an adaptation planning process.	Regional Planning	guidance, Bay Plan amendment	RWQCB, NMFS, USFWS, USACE, CDFW, EPA		5,5,5,3,3,3,3,3
Long Term	(CHANGE TO SHORT-TERM GOAL) Develop regional mitigation sites for use by projects that cannot provide onsite, functional equivalent, or adjacent mitigation.	Adaptive Management		work by others	EBRPD	5,5,5,5,5,5,5,5

Acronyms: CDFW - California Department of Fish & Wildlife; EPA - Environmental Protection Agency; NMFS - National Marine Fisheries Service; RWQCB - Regional Water Quality Control Board; USACE - U.S. Army Corps of Engineers; USFWS - U.S. Fish & Wildlife Service

***Added/Changed to the Worksheet**

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Workshop 9: How to Implement Actions?

Implementation Pathways



Implementation Pathways are a tool that help partners develop a shared understanding and agreement on **how** specific actions should be implemented

Pathways visually depict:

- Who will lead and who will partner
- The information, resources or support needed to initiate the action
- The steps to take to achieve the action and desired outcomes

What steps would the Commission take to adopt a Social Equity & Environmental Justice Bay Plan amendment and/or include Environmental Justice in a McAteer-Petris Act amendment or other Commission legislation?

Year 1 & 2

What are the primary outcomes of this action: _____

① Actors & Information

Who needs to be a partner in this action?

Who are the interested and affected constituencies?

Who are the strong advocates or champions?

What Information is needed to initiate action?

Sources of needed information:

② Timeline for Implementation

What is the first step?

What can we do next?

What are the other steps before completing the action?

Are there other steps that need to be taken for this can action be successful?

③ Feasibility

Biggest roadblocks to implementation:

Potential solutions to overcome these roadblocks:

What support is needed from the region, state, and federal government?

Will this action accomplish the primary outcomes outlined above?

④ Double Check: *Does the action advance the regional goals?*

Serves to advance resilience goals because the action:

- ☐ Improves or protects multi-modal access to housing, jobs or services
- ☐ Protects public health and safety
- ☐ Protects especially vulnerable community members
- ☐ Maintains recreational and educational opportunities
- ☐ Promotes or retains jobs
- ☐ Maintains commuter movement
- ☐ Maintains goods movement
- ☐ Reduces service or network disruptions
- ☐ Creates or maintains appropriate habitat and biodiversity
- ☐ Maintains or improves water quality
- ☐ Promotes grey to green and nature-based solutions?
- ☐ Supports or creates collaborative, transparent decision-making
- ☐ Encourages broad public and/or private sector partnerships

Priority Issues to address within the next 3 years :

- Fill for Habitat Projects
- Beneficial Use of Sediment
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice



Priority Issues to address in 4 to 7 years:

- Natural Infrastructure for Flood Protection
- Fill as Protection from Flooding (Tide gates, levees and seawalls)
- Adaptive Management



Next 1 to 3 Years

Specific Actions:

- Amend the Bay Plan to include social equity and environmental justice and possibly pursue legislation on this issue
- Amend the Bay Plan to better address fill for habitat projects
- Develop guidance for local governments to assist with adaptation planning
- Develop guidance for long term sustainability for habitat projects
- Conduct an economic analysis of ocean disposal versus beneficial reuse



		Year 1 (2017)	Year 2 (2018)	Year 3 (2019)	Year 4 (2020)	Year 5 (2021)	Year 6 → (2022 →)
Legislation		Include environmental justice in McAteer-Petris Act or other Commission directive legislation					Change the McAteer-Petris Act to better address RSL
							Expand 100-foot shoreline band jurisdiction inland and authority beyond maximum feasible public access
Bay Plan Amendments / Regulations Update		Social equity and environmental justice Bay Plan amendment		Mitigation Bay Plan amendment		Adaptive management (Climate Change & Habitat Projects)	
		Fill for Habitat Projects Bay Plan Amendments & Regs Update (resource policies, dredging policy 11, shoreline protection)		Beneficial reuse Bay Plan Amendment		Fill for flood protection (nature-based & human-made solutions)	
Guidance		Environmental justice and social equity staff training for current laws and policies	Environmental justice and social equity guidance and staff training for new laws and policies	Implementation guidance on new policies and equity assessment checklist for permit analysts			
			Guidance for long-term sustainability of habitat projects (adaptive management and resilience)				
		Adaptation planning guidance for local communities.		Minimum design, monitoring, informational guidance for experimental projects			
Planning			Complete or incorporate existing economic analysis of beneficial reuse compared to ocean disposal and identify “complete costs”	Guidance on beneficial reuse of sediment where natural supplies are limited			
				Update Tidal Marsh Restoration Design Guidelines(PWA 2004)			
			Collaborate with other agencies to develop a compatible approach to mitigation (RAMP, regional mitigation, etc.)			Investigate incentives for identifying and preserving transition space for habitat and communities	

Next Steps

July 20th Commission Meeting:

- Commission consideration of two Brief Descriptive Notices for Bay Plan Amendments

Future Commission Meetings:

- Brief Commission on material and guidance developed to assist local governments and others with adaptation planning
- Brief Commission on approach to guidance for long-term sustainability for habitat projects
- Present economic analysis of ocean disposal versus beneficial reuse
- Regular briefings regarding other adaptation actions- Regional Adaptation Plan, Financing, etc.

